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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,048	02/27/2004	David S. Benco	35-29	9557

7590 08/30/2005

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER

TRAN, QUOC DUC

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/789,048

Applicant(s)

BENCO ET AL.

Examiner

Quoc D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 7-9, filed 6/23/2005, with respect to the rejection(s) of claim(s) 5 and 14 (now incorporated into corresponding claims 1 and 11) under 35 USC 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Brown et al (2003/0114139).

### ***Claim Rejections - 35 USC § 112***

2. Claims 19-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 19 and 20 claimed the reverse sequence of the originally presented claims 1 and 11 that involved consulting the called party list prior to consulting the calling party list. It is acknowledged that contents of the claims 19 and 20 are disclosed. However, the inventive steps of the claims 19-20 were not disclosed in the specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-12 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al (2003/0114139).

Consider claim 1, Brown et al teach a method comprising the steps of: connecting a call between a calling party and called party (see ¶ 0139-0140); consulting a calling party billing list (i.e., profile 51 and 53) to determining whether the calling party has authorized alternative billing treatment for the call (see ¶ 0115-0117); and if the calling party has authorized alternative billing treatment, generating a billing record to bill the calling party according to the alternative billing treatment (see ¶ 0098); if the calling party has not authorized alternative billing treatment: consulting a called party billing list (i.e., profile 54 and 56) to determining whether the called party has authorized alternative billing treatment for the call (see ¶ 0123-0124); and if the called party has authorized alternative billing treatment, generating a billing record to bill the called party according to the alternative billing treatment (see ¶ 0125-0127).

Consider claim 2, Brown et al teach the method further comprising, if the calling party has authorized alternative billing treatment; sending a message to one or both of the calling party and called party indicating that the calling party is being billed for the call according to the alternative billing treatment (see ¶ 0099).

Consider claim 3, Brown et al teach wherein the call comprises a wireless call having a plurality of call legs, the alternative billing treatment comprising an authorization to charge one or more of airtime minutes and monetary charges for each of the call legs to the calling party (see ¶ 0082,0098).

Consider claim 6, Brown et al teach the method further comprising, if the called party has authorized alternative billing treatment: sending a message to one or both of the calling party and

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called party indicating that the called party is being billed for the call according to the alternative billing treatment (see ¶ 0099).

Consider claim 7, Brown et al did not suggest wherein the call comprises a wireless call having a plurality of call legs, the alternative billing treatment comprising an authorization to charge one or more of airtime minutes and monetary charges for each of the call legs to the called party (see ¶ 0082, 0135).

Consider claim 8, Brown et al teach wherein the call comprises a wireline call (see ¶ 0082, 0084), the alternative billing treatment comprising an authorization to bill monetary charges associated with the wireline call to the called party (see ¶ 0125).

Consider claim 9, Brown et al teach wherein the step of consulting the called party billing list comprises: identifying a directory number associated with the calling party, defining a calling party directory number; determining if the calling party directory number is present in the called party billing list, a presence of the calling party directory number in the called party billing list indicating that the called party has authorized alternative billing treatment (see ¶ 0134, 0135).

Consider claim 10, Brown et al teach the method further comprising, if the calling party has not authorized alternative billing treatment, generating a billing record for the call according to customary practice (see ¶ 0125).

Consider claim 11, Brown et al teach a method comprising the steps of: receiving billing information associated with a call between a calling party and called party (see ¶ 0125, 0139-0140); consulting a calling party billing list to determining whether the calling party has authorized alternative billing treatment for the call (see ¶ 0115-0117); and if the calling party has authorized alternative billing treatment, generating a billing record to bill the calling party

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according to the alternative billing treatment (see ¶ 0098); if the calling party has not authorized alternative billing treatment: consulting a called party billing list to determining whether the called party has authorized alternative billing treatment for the call (see ¶ 0123-0124); and if the called party has authorized alternative billing treatment, generating a billing record to bill the called party according to the alternative billing treatment (see ¶ 0125-0127).

Consider claim 12, Brown et al teach wherein the call comprises a wireless call having a plurality of call legs, the alternative billing treatment comprising an authorization to charge one or more of airtime minutes and monetary charges for each of the call legs to the calling party (see ¶ 0082,0098).

Consider claim 15, Brown et al did not suggest wherein the call comprises a wireless call having a plurality of call legs, the alternative billing treatment comprising an authorization to charge one or more of airtime minutes and monetary charges for each of the call legs to the called party see ¶ 0082, 0135).

Consider claim 16, Brown et al teach wherein the call comprises a wireline call (see ¶ 0082, 0084), the alternative billing treatment comprising an authorization to bill monetary charges associated with the wireline call to the called party (see ¶ 0125).

Consider claim 17, Brown et al teach wherein the step of consulting the called party billing list comprises: identifying a directory number associated with the calling party, defining a calling party directory number; determining if the calling party directory number is present in the called party billing list, a presence of the calling party directory number in the called party billing list indicating that the called party has authorized alternative billing treatment (see ¶ 0134, 0135).

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Consider claim 18, Brown et al teach the method further comprising, if the calling party has not authorized alternative billing treatment, generating a billing record for the call according to customary practice (see ¶ 0125).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown et al (2003/0114139) in view of Rosinski et al (5,381,467).

Consider claims 4 and 13, Brown et al suggest wherein the step of consulting the calling party billing list comprises; identifying the called party (i.e., recipients); determining if the called party is present in the calling party billing list, a presence of the called party in the calling party billing list indicating that the calling party has authorized alternative billing treatment (see ¶ 0126). Brown et al did not suggest identifying the directory number associated with the called party in the billing list to indicating that the calling party has authorized alternative billing treatment. However, Rosinski et al suggested such (col. 7 lines 7-18). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Rosinski et al into view of Brown et al in order to determine billing preference for a particular call.

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***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

**(703) 872-9306**

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and SATURDAY from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

**QUOCTRAN**  
**PRIMARY EXAMINER**



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August 26, 2005